

May 19, 2021

**VIA THE COURT'S ECF SYSTEM**

Hon. Vernon S. Broderick  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**RE: *Flores v. Chowbus Inc. et al*; 1:21-cv-00970**  
**Request for Removal of Action from Mediation**

Dear Judge Broderick,

On March 25, 2021, the Court entered an Order pursuant to Local Civil Rule 83.9, referring this action to the Court's Mediation Program, explaining that "[i]n the Court's experience, cases involving FLSA claims" – such as this one – "often benefit from early mediation" [Doc. 30].

Given the Court's commendation of mediation, Defendants have carefully considered the potential benefits thereof. However, Defendants do not believe that mediation and/or settlement negotiations would be effective at this time, and would merely waste the resources of the parties and the mediator.

Consequently, while open to reconsidering mediation at a later juncture, Defendants respectfully request that this action be removed from the Court's Mediation Program. Defendants are confident that litigation – not mediation – will shed much needed light on the facts purportedly underlying plaintiffs' claims, and their alleged legal bases of recovery.

Respectfully,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was filed electronically on May 19, 2021. Parties may access this filing through the Court's system.

/s/ David Landman  
David A. Landman  
***One of the Attorneys for Defendants***